E458
.3
O96

E 458
.3
.0967
Copy 1

PRINTED FOR GRATUITOUS DISTRIBUTION.

PLEASE CIRCULATE.

THE

FUTURE OF THE NORTH-WEST:



IN CONNECTION WITH

The Scheme of Reconstruction

WITHOUT NEW ENGLAND.

BY

ROBERT DALE OWEN.

U. S. A.

PHILADELPHIA:
CRISSY & MARKLEY, PRINTERS, GOLDSMITHS HALL, LIBRARY STREET.
1863.

E459
.097

E458
.3
.0967

THE

FUTURE OF THE NORTH-WEST:

IN CONNECTION WITH

THE SCHEME OF RECONSTRUCTION

WITHOUT NEW ENGLAND.

ADDRESSED TO THE PEOPLE OF INDIANA.

More than a third of a century since, I found a home, Citizens of Indiana, among you. Kindly you received me. Largely have you bestowed on me your confidence. I owe to you honorable station and a debt of gratitude. Let me endeavor, now in your hour of danger, to repay, if in part I may, that debt.

On the future of our country clouds and darkness rest. We are engaged in a war as terrible as any which history records; an outrage on civilization, if it be not God's agency for a great purpose. All good citizens earnestly desire its termination. The fervent longing of every Christian man and woman is for the restoration of peace.

To this righteous desire there are addressed, especially here in our North-West, certain proposals of compromise and accommodation. Shall we take counsel as to what these are worth? Can we reason together on a subject of interest more vital to ourselves and to our children?

But before we scan the future, let us glance at the past. Ere we advance, let us determine where we stand, and ascertain how we came hither. Looking back on our steps throughout the last two years, let us, in a dispassionate spirit, by the aid of authentic and unimpeachable documents, very briefly examine the causes, underlying a stupendous national convulsion, which have resulted in the present condition of things.

The secession ordinance passed the Convention of South Carolina, December 20, 1860. The next day, December 21, the Convention adopted the "Declaration of Causes," justifying secession. In language plain as can be desired are these causes set forth. They all center in one complaint, Northern encroachment on slavery; there *is* no other cause alleged.

What proof of such encroachment is offered? First, the

allegation that "for years past" fourteen Northern States, among which Indiana is named, "have deliberately refused to fulfill their Constitutional obligations" (as regards the fugitive-slave-law) by "enacting laws which either nullify the acts of Congress or render useless any attempt to execute them." But if you have looked through our statute-book, you know that no such law then existed, or ever existed, there. That solemn Declaration, inaugurating a war as fearful as ever desolated a nation, is based, so far as regards our State, on a statement either ignorantly or wilfully false.

If, in regard to any of the other States named, there be truth in the allegation;—if, in any one or more of these, there existed then, a state law nullifying or rendering nugatory a Constitutional provision;—none knew better than these South Carolinians what their easy, peaceful, effectual remedy was:—an appeal to the Supreme Court. That Court has sovereign control over all unconstitutional laws. Had the South no chance of justice—of more than justice—before the Supreme Court of the United States? Be the Dred Scott decision the reply!

A thing, to be credited, must have some semblance of common sense. Will any man believe that the citizens of South Carolina—who would find it difficult to prove that by the unconstitutionality of State laws at the North they had lost twenty slaves since their State first joined the Union—will any sane man believe that South Carolina sought to break up that Union for cause so utterly trivial as that?

No! far deeper must we search for the true cause. It is plainly set forth in the latter paragraphs of the Declaration, in which the Convention speaks, not of any special laws, but of "the action of the non-slaveholding States."

It declares that these States have "denied the rights of property established in fifteen of the States and recognized by the Constitution;" that they "have denounced as sinful the institution of slavery;" that they "have united in the election of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery;" who declares that "the Government cannot endure permanently half slave, half free," and that "the public mind must rest in the belief that slavery is in the course of ultimate extinction." And it winds up by this assertion: "All hope of remedy is rendered vain by the fact that the public opinion of the North has invested a great political error with the sanctions of a more erronious religious belief."

These South Carolinian sentiments, afterward endorsed by every seceding State, are doubtless, in substance, sincere. They may be received as the secession creed. Though loosely worded

they are intelligible. Taken in connection with the steadily-progressing increase, disclosed each ten years by the census, of population and Congressional votes and consequent political influence in the Free States as compared with the Slave, they disclose, beyond question, the true cause of the gigantic insurrection that has made desolate so many domestic hearths, and spread war and devastation where peace and tranquillity used to reign.

It is, of course, not true, that the Northern States, as States, have denied the rights of Southern property, or denounced slavery as sinful. The Convention could only mean that certain citizens of these States had expressed such sentiments; or as they afterward phrase it, that public opinion in the North had given the sanction of religion to a great political error.

I pray you to remark that the South secedes from the Union *because of these opinions*. She will not remain in fellowship with States in which such opinions are expressed. She holds that men ought not to be allowed to say or to write that slavery is sinful, or that religion does not sanction it. She hangs those who say or write such things within her own borders.* To satisfy her, such opinions must be suppressed also among us. But the Constitution provides that "Congress shall make no law abridging the liberty of speech or of the press." Here is a difficulty. How shall we of the North satisfy a slaveholding South, unless we not only surrender the dearest of a freeman's rights, but also either violate the Constitution, or else amend it so that free thought and free speech shall be among past and forgotten things?

But these outspoken sentiments are not our only offense. We are accused of having elected a President "whose opinions and purposes are hostile to slavery;" and who believes that "slavery is in the course of ultimate extinction."

Because of the election of such a President, the slaveholders of the South secede. They do not wait to see what he will do. They secede before he is inaugurated. They secede, then, not because of his acts, but because of his opinions.

His opinions on the subject of slavery; the same opinions which, for a century past, have been spreading and swelling into action throughout the civilized world; the same opinions which have taken practical form and shape—which have become law—till not a Christian nation in Europe, Spain alone excepted, stands out against them. Look at the array of names!

* "Let an abolitionist come within the borders of South Carolina, if we can catch him we will try him, and notwithstanding all the interference of all the Governments on earth, including the Federal Government, we will hang him."—*Senator Preston, in debate in U. S. Senate, January*, 1838.

"If chance throw an abolitionist into our hands, he may expect a felon's death."—*Senator Hammond of South Carolina, in Senate*, 1836.

England led the way. In 1834 she emancipated all her slaves. King Oscar of Sweden followed her example in 1846. Then came Denmark in 1847; France, in 1848; Portugal, in 1856; the vast empire of Russia, in 1862. Finally, with nearly thirty years' experience in English colonies and fifteen years' experience in those of France before her eyes, plain, practical, unimaginative Holland, by a vote in her Chambers of forty-five to seven, gave freedom, with compensation, to her forty-five thousand slaves; to take effect on the first of July next.

And our offense in Southern eyes—an offense so grievous that it is held to justify insurrection and its thousand horrors—our unpardonable sin is, that we have elected a President whose opinions regarding negro servitude are those of all Christendom; whose belief that "slavery is in the course of ultimate extinction," is but the plain inevitable deduction from the last thirty years' history of the civilized world.

Observe, I pray, that in thus setting forth the causes which produced this fratricidal war, I have let the South speak for herself. Nor have I cited against her vagrant opinions, carelessly expressed by her citizens. I have quoted, word for word, from her solemn deliberate "Declaration of Causes;" that document which is to Secessiondom, what the Declaration of Independence was to the United States. Out of her own mouth I have condemned her.

Yet I am not assuming to sit in judgment on her motives. I but show you where the difficulty lies, and how deep-sunk and radical it is. Opinions (she declares) stand in the way. Based on a religious sentiment, these opinions render vain (she says) all hope of remedy; for her Government is founded on opinions diametrically the reverse. And I show you further, that in this she stands alone among the nations calling themselves civilized. Alexander H. Stephens, whom, in February, 1861, she named her Vice President, with commendable frankness admits that she does so. In Savannah, the Mayor presiding, Mr. Stephens, addressing an immense crowd on the 21st of March following his election, spoke thus: "Slavery is the natural and moral condition of the negro. This, our new Government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth."*

Alone she stands! the first government, in the history of the world, founded on the principle—"Slavery is good; slavery is moral; slavery is just;" the only people in all the eighteen

* Speech of Mr. Stephens as reported in the "*Savannah Republican.*" It is thence copied into "*Putnam's Rebellion Record,*" vol. i., document 48, pp. 44 to 49. The *Republican,* in publishing this address, says: "Mr. Stephens took his seat amid a burst of enthusiasm and applause, such as the Athenæum has never had displayed within its walls in the memory of the oldest inhabitant."

centuries since Christ preached justice and mercy, who rose in rebellion because, among their brethren, His religion was appealed to in favor of that emancipation which, within the last thirty years, England, and France, and Sweden, and Denmark, and Portugal, and Russia, and Holland, have all conceded—a tribute to Christian civilization.

Thus, then. Opinions not carried out in practice—opinions unfavorable to slavery expressed in the North, and held by the President elect—the same opinions that are entertained and have been acted upon by almost every civilized nation—these, according to Southern declaration, were the immediate causes of the war: opinions, not acts; the acts were all the other way.

Inaugurated on the 4th of March, 1861, Abraham Lincoln expressly reassumed, in his Message, the ground occupied by himself, and by a large majority of his supporters, before the election. "I have no purpose" (said he), "directly or indirectly, to interfere with the institution of slavery in the States where it exists." He went much further. Alluding, in the same Message, to an amendment to the Constitution, which had passed Congress on the 28th of February, to the effect that no amendment shall ever be made to the Constitution authorizing Congress to interfere with slavery in any State, the President said: "I have no objection to its being made express and irrevocable."

This was the first act: an offer sanctioned by Congress, endorsed by the President, so to amend the Constitution, that never, while the world lasted, should the power be given to Congress, by any subsequent amendment, to interfere with slavery.

The scene when, on Mr. Corwin's motion, this amendment passed, is recorded in the newspapers of the day. "As the vote proceeded, the excitement was intense, and on the announcement of the result, the inexpressible enthusiasm of the members and the crowded galleries found vent in uproarious demonstrations. All feel that it is the harbinger of peace."*

Was it the harbinger of peace? Did this concession—bordering surely on humiliation—a promise, as to slavery, never through all time to amend our acts no matter how we may change our opinions—did this unheard-of concession to the slave interest conciliate the South, or arrest her action? It passed by, like the idle wind. State after State seceded. Security against the encroachment alleged to be intended—the amplest within the bounds of possibility—had, indeed, been offered; but the remedy did not reach the case. Opinions remained unchanged; and the rebellion was against opinions.

* *N. Y. Commercial*, February 28, 1861.

Men in the North still said that human servitude was sinful. The President still believed that "slavery is in the course of ultimate extinction." No fraternity with such men! No obedience to such a President!

And yet this President, in the same Inaugural from which I have quoted, pushed forbearance to the verge of that boundary beyond which it ceases to be a virtue. "The Government" (he said to the Secessionists already in arms against lawful authority)—"the Government will not assail you. You can have no conflict without being yourselves the aggressors." And in mild but cogent terms he reminded them of his and their relative situations, and of the final necessity which his position imposed upon him. "You have no oath" (he said) "registered in Heaven to destroy the Government: while I have the most solemn one to preserve, protect, and defend it."

He spoke to the deaf adder. As if they *had* sworn before God to destroy the Government under which, for eighty years, they had enjoyed prosperity and protection, they became the aggressors. Unassailed by that Government, they opened fire, on the memorable twelfth of April, from the batteries of Charleston, on Fort Sumter.

The echo of that cannonade reverberated throughout the Union. The North rose up, like a strong man from sleep. It needed not the President's Proclamation, issued three days thereafter, to call men forth. In advance of that call, the farmer had left his plow in the furrow; the mechanic had deserted his workshop. The People had taken the war in hand.

Such were the causes of this rebellion; such were the acts on either side.

What have been the results? The war, as wars in their commencement always are, was popular. Men engaged in it, as in a new and stirring enterprise men are wont to do, with enthusiasm. Unmingled successes, a prompt and triumphant termination—these, as always happens, were confidently anticipated. But the usual checkered fortunes of war attended our arms; now a victory, now a defeat. The contest was protracted. Visionary hopes of speedy triumph faded away. Then came revulsion of feeling, sinking of spirit. There never was a protracted war in this world, no matter how successful in the end, without just such a reaction. How did the souls of our revolutionary fathers, sore tried, sink within them, year after year—how often did Washington himself despair—before the final victory that heralded American Independence! England is still one of the greatest nations of the world, proud, powerful, prosperous; yet, during her five years' Peninsular war (in Spain against Napoleon) the depression in England was almost beyond ex-

ample. At the commencement of that war the people accepted it with acclamation. Opposite parties in Parliament vied with each other in their zeal to vote men and money. Before a year had passed, how changed was the scene! The retreat and defeat at Corunna (the Bull Run of that year's campaign) plunged the nation in despair. Nothing was talked of but the stupid blunders of the Government, its absurd and contradictory orders, its gross ignorance of the first principles of war. Croakers spoke loudly of the folly of any attempt to check the progress of the French arms in Spain. Universal distrust seized the public mind. The Ministry kept their places with extreme difficulty. But England's *pluck* bore her through. She spent four hundred and fifty millions a year, bought gold at thirty per cent premium to pay her troops, persevered to the end—and conquered: yet not till her Government stocks, ordinarily at 90, had come to stand habitually at 65; nay, before Napoleon was finally conquered, had fallen to 53 (payable in depreciated paper), and had been negotiated by the Chancellor of the Exchequer at that rate.

Nor let it be imagined that it was the uninformed masses alone who despaired. The greatest men shared the doubt whether England was not tottering to her destruction. Sir Walter Scott wrote to a friend: "These cursed, double cursed news from Spain have sunk my spirits so much that I am almost at disbelieving a Providence. There is an evil fate upon us in all we do at home or abroad." A letter of Sir James Mackintosh is still more gloomy. "I believe, like you" (he writes to a friend at Vienna), "in a resurrection, because I believe in the immortality of civilization; but a dark and stormy night, a black series of ages, may be prepared for our posterity before the dawn of a better day. The race of man may reach the promised land, but there is no assurance that the present generation will not perish in the wilderness." *

Such is the dark valley, shadowed by despondency, through which even the most powerful nation, once engaged in a great contest of life and death, must consent to travel ere it emerges to the light. If we were not prepared to traverse its depths—if we have not courage to endure even to the end—we ought never to have entered upon the gloomy road at all. Many good men thought, at the outset, that the wiser course was to let the deluded South go in peace. A thousand times better to have done this than to falter and look back now, false to the great task we have undertaken, recreant to the solemn purpose on

* A pamphlet by C. J. Stillé, on this subject, giving many more details, is well worth studying. Its title is, "*How a free people conduct a great war.*" Published by Collins, Philadelphia.

which we have lavished millions of treasure, to which we have set the seal of our best blood. That which might have been graceful concession two years since, would be base submission to-day.

Base and unavailing! What are the proposals now, rife throughout the North-West, among the friends of peace-at-any-price? Worst devise of feeble or faithless heads, busily echoed by thousands of faint hearts, embodied in public resolutions, trumpeted through hundreds of newspapers, what is the favorite project, long matured in secret, that is urged upon you to-day by the enemies of the war and of the Administration that conducts it?

Of vast import is that project, yet a few words suffice to state it. The greatest of human changes can be expressed in one word—Death!

The project is, to reconstruct the Union, leaving out the New England States.

This plan is spoken of as a compromise. The South, abandoning her avowed intention to erect a separate purely slave-holding Confederacy, is to consent to receive into her fellowship a portion of the Northern States. The Northern States, in return, are to abandon six of their number; those six in which the opinions against which the war is waged chiefly prevail.

But this plan is no after-thought—no compromise whatever. It has been in the minds and intentions of the Southern leaders from the very commencement of the rebellion.

I vouch for the truth of the following: Early in January, 1861, a few days after South Carolina had seceded, and before any other State had followed her example, Senator Benjamin, of Louisiana, said to one of the Foreign Ministers: "A great revolution has commenced. It will end in the separation from the Union either of the slave States or of New England."

Within a few days of the same time, before Jefferson Davis had left Washington, Mrs. Davis, conversing with a friend from Pennsylvania, who had been lamenting a probable separation, replied, in substance: "Do not afflict yourself. We shall not separate from Pennsylvania, nor New York, nor New Jersey; they, like the North-West, are our natural allies."

It was the original plan, abandoned for a time, when the entire North rose in arms; unavowed even now; yet secretly fomented and sanctioned ever since the elections seemed to result adversely to the Administration, and since meetings and newspapers, calling themselves Democratic, have been sending forth, to an enemy in arms, words of sympathy and comfort.

Well might such a plan be the first choice of the secessionists! Well may they intrigue with the North-West to favor and

adopt it now! Far better for them than a mere Southern Confederacy, never was a more specious nor a more daring device to uphold a sinking cause!

Look at it, I pray you; not vaguely or hastily, but carefully, and in all its practical details. In the Senate, *thirty* Southern votes to *twenty-two* Northern; in the House, *ninety* Southern votes to *a hundred and thirteen* Northern. One House hopelessly gone; while twelve votes changed would give a Southern majority in the other. And when has Congress seen the day when twice twelve votes could not have been had from Northern Representatives for any measure the South saw fit to propose?

Just North enough in the scheme to afford protection and support to slavery; and *not* North enough to exert over it the slightest influence or control.

Plausible, too! "You have a majority in one House, and we in the other. What can be more fair?"

But mark the workings of the plan! A free State applies for admission. The Bill must pass the Senate. Will it pass? Slaveholders have to decide that question. Will they relinquish the balance of power which they hold in their grasp? While they retain their reason, never! A slave State for every free State admitted; that will be the rule. The controlling majority in the Senate, therefore, perpetual!

Think, next, of the nominations by the President—a President, of course, who believes in the justice, and in the perpetual duration of negro slavery—for none other will be suffered to take his seat; nominations of Cabinet officers; of Foreign Ministers and Consuls; of Judges of the Supreme Court; of Generals in the army; of men to all lucrative Post-offices; of Registers and Receivers, and all the long list of other nominations to offices in the gift of the President and confirmatory by the Senate. Will the name of one man pass the ordeal who thinks human servitude a sin or an evil, or who believes that "slavery is in the course of ultimate extinction?"

It will be a Senate requiring a political test for office that would have excluded Washington, if proposed for Brigadier-General, or Jefferson, if nominated as a member of the Cabinet. For Washington, on the 9th of September, 1786, wrote to John F. Mercer, of Maryland: "It is among my first wishes to see some plan adopted by which slavery in this country may be abolished by law."* And Jefferson, in his "Summary View of the Rights of British America," originally published in August, 1774, said: "The abolition of domestic slavery is the great object of desire in these Colonies, where it was, unhappily, introduced in their infant state;"† while, eight years later, in his

* *Sparks' Washington*, vol. ix., p. 159. † *Jefferson's Works*, vol. i., p. 135.

"Notes on Virginia," he falls into that "erroneous religious belief" which, according to the South Carolina Declaration, renders hopeless all remedy for the grievances of the South. Adverting to a possible conflict, in the future, between slave and slaveholder, he says: "The Almighty has no attribute which can take side with us in such a contest." *

If this view of revolutionary opinions should happen to surprise you, it will be because you are less accurately informed on the subject than the Vice President of the insurrectionary States. Let Mr. Stephens have credit for the honesty with which, in the address from which I have already quoted, he made this confession: "The prevailing ideas entertained by Jefferson and most of the leading statesmen, at the time of the formation of the old Constitution, were, that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically." The "ultimate extinction" heresy, too, was shared by these men, as Mr. Stephens thus reminds us: "Slavery was an evil they knew not well how to deal with; but the general opinion of the men of that day was, that, somehow or other, in the order of Providence, the institution would be evanescent, and pass away." †

Reconstruct the Union without New England, and no man who shares these revolutionary sentiments,—no man who believes as Washington and Jefferson believed,—can ever reach the Presidential chair, or ever receive, from the occupant of that chair, any office, at home or abroad, civil or military, of any importance whatever.

The vast patronage of the Government—the tens of millions annually in its gift—would become a gigantic bribe. Its demoralizing influence in calling forth professions of a money-getting creed, would be immense.

But well would it be if this wholesale premium on hypocrisy were the only evil, or the worst evil, which a South-controlled Congress would bring upon us. What laws would such a Congress pass?

The characteristic political doctrine universally asserted throughout the South is this: "The Constitution provides that 'the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.' Therefore all citizens are entitled, wherever they may reside, to equal rights of property. Neither the Federal Government nor a State has a right to discriminate between different kinds of property, legally held. It is unconstitutional to declare by law that any legally

* *Jefferson's Writings*, vol. viii., p. 404.

† Address of A. H. Stephens, reported, as stated in a previous note, in the "*Savannah Republican.*"

held property *is* property in one portion of the Union, and is *not* property in another. It is equally unconstitutional for the Federal Government, or for any State, to pass laws which shall prohibit the transfer of any legally held property from one portion of the Union to another; or to enact that any one species of property legally used in any one State or Territory may not be used in another.

"But slaves are property: as absolutely and legally articles of merchandise (though differing in kind) as horses, or cattle, or flocks of sheep; property righteously as well as legally held; property the holding of which is based on a great physical, philosophical, and moral truth, and is sanctioned by religion.

"Therefore, wherever one citizen may lawfully take or use his cattle and horses and flocks of sheep, another citizen may lawfully take and use his slaves. To prohibit him from so doing is a moral wrong, as well as an unconstitutional act." *

That is the openly-avowed doctrine and demand of the South. Individual exceptions to such opinions there are, of course, in the slave States, just as, in the free States, men are found who believe that slavery is enjoined by morality and sanctioned by religion. But the official declarations of the South prove, and no honest slaveholder will deny, that I have here fairly and candidly stated the leading article, never to be relinquished, of their political creed.

Upon this doctrine was based that claim of the South to equal rights of settlement in the Territories, the expected denial of which was one of the chief incentives to this war. But it is evident that if the doctrine be tenable at all, it applies as justly to a State as to a Territory. An Indianian may buy a Kentucky farm and settle thereon with all his movable property. Shall a Kentuckian be forbidden to settle, in like manner, on a farm in Indiana, unless he shall first sell the most valuable movable property he possesses?

It is not more certain that the earth will continue to revolve around the sun, than that the South, while slaveholding, will persevere, whenever and wherever she obtains the political ascendency, in asserting and enforcing by law what she regards as her political rights in this matter.

* If any man doubt that this *is* the claim maintained by the South, and short of which she will never be satisfied, let him read the *note* on the last page of this pamphlet, on recent legal opinions and decisions touching slaves.

These afford conclusive proof that the South, with the power in her hands, would declare null and void, because in violation of the Constitution of the United States, the provision in the Constitution of Indiana excluding negroes. Should we tolerate a similar provision excluding our horses and cattle from Kentucky? A State cannot, without the consent of Congress, even lay a duty on property brought within her limits from another State; far less, of course, can she exclude it altogether.

Choose, then, farmers of Indiana! citizens of the North-West! Strike off twenty-nine votes from the northern majority of the House. Abandon, by the cession of twelve votes more, your present majority in the Senate. Consent to the dismemberment of your country. Relinquish for ever to the South the balance of legislative power. Do this, if you will. But bear in mind, that on the day you assent to the scandalous compact, you will have virtually repealed that noble ORDINANCE to which the North-West owes not freedom only, but a social and commercial prosperity far outstripping that of any slave-tilled State. Bear in mind that on that day you will have to decide, which of two alternatives you will advise your sons to select;—to regard honest labor as unbecoming a gentleman, or to take their chance of working in sight of the overseer, side by side with the slave.

Do all this, if good it seem to you. I make no argument against it. Facts, not counsels, are what I offer you. I but seek to shed daylight on the slaveholders' project; to show you, beforehand, what it is you are invited to do.

The invitation is, to unite your fate with a slave empire; not an empire part free and part slave, but an empire *all* slave; an empire in every portion of which slavery will be permitted by law, and restricted as to the number of slaves by soil and climate alone. The invitation is to become, yourselves, part and parcel of such an empire; to enter into fellowship with those who, not content to legalize slavery, canonize it also; regard it as philosophical, commend it as moral, extol it as religious: who adopt it as the corner-stone of the social edifice and the basis of the political system.

The invitation is, to ignore, or to defy, the public sentiment of Christendom. The invitation is to stand still, or sink back, while all other civilized nations advance. An eminent writer, alluding to certain ancient collegiate foundations of Europe, declared that they were not without their use to the historian of the human mind: immovably moored to the same station by the strength of their cables and the weight of their anchors, they served to mark the rapidity of the current with which the rest of the world was borne along. Is such to be the fate and the vocation of America, once proud, powerful, freedom-loving? Is God's mighty current of Progress to sweep past her, as she lies paralyzed, weighted down, rock-stranded, by her political sins?

This invitation is given on conditions. The first is, that throughout this slave empire, no man shall be allowed to deny the "great physical, philosophical, and moral truth", now first recognized, upon which the new Government is founded; namely, that slavery is the natural and moral condition of the African

negro No man is to be permitted, on pain of punishment, to argue that slavery is sinful, or that religion condemns it. We are required to go back to the spirit of those days when it was held to be seditious to question, by speech or writing, the idea on which the existing Government was based; to the Tudor and Stuart age of England: the only difference being that while under the old English rule, it was punishable as sedition to question the right divine of Kings, under the new Southern rule, sedition is to be punished when it questions the right divine of slavery. It will be a remarkable experiment, in the nineteeth century, to establish a government upon a principle which will not bear question, or suffer an argument touching its truth or its merits. The despotism of Naples recently went down, crushed by the difficulties and the odium of maintaining, in these modern days, a similar state of things.

The second condition demanded of us is, that the North, before it is admitted to Southern fellowship, shall cast off six of her States; thus curtailing her power and her possessions by the surrender of nearly one-fifth of her population and more than one-fifth of her wealth.

And here discloses itself the Hercules foot of this most audacious scheme. Think of proposing to Great Britain, that she should set Scotland adrift, or to France that she should detach and abandon all Normandy! When was dismemberment ever dreamed of or demanded, except by a victor from a prostrate foe?

And will no other demands be made based on the same relative condition of the contracting parties? The Southern insurrection will have cost its authors a thousand millions, at the least. Can any man doubt that the North, once entrapped into this base compact, will be held to pay her full share of that stupendous sum?—not only to accept as justifiable an insurrection against lawful authority, but to pay what that insurrection cost? And will nothing be included in that cost but the bare expenses of the war? Is it not certain, beyond possible doubt, that there will be thousands upon thousands of claims for damages—for plantations ruined, for dwellings destroyed, for cotton burnt, for hundreds of thousands of slaves lost—from every Southern State that has been reached by our arms? and that these claims will amount to hundreds of millions, exceeding probably the war expenses themselves? On whom is to be imposed the enormous tax that is to pay for these ravages of war? On whom but on those who inflicted them? And when such a tax is levied and paid by you, what acknowledgment can be imagined more practically conclusive of the admission that the so-called insurrection was no insurrection at all, but, on the contrary, a noble war for

liberty and independence, just in its inception, triumphant in its result?

Their hewers of wood and drawers of water we should become; the recorders of their edicts; the submissive agents to execute their good pleasure!

And if we yield now, so should we be! If with half the territory constituting the Slave States virtually in our possession, we accept at the hands of armed enemies the very plan they themselves had chalked out before a cannon was fired, richly shall we deserve our fate! Under such a plan the insurgents would not merely have secured their own independence: conquerors over us, they would have mastered ours. Have we mercy to expect? Woe to the vanquished!

Let there be no self-deception. If we are to do this thing, let us look it honestly in the face, and make plain to ourselves what it is we are doing. We give up; we surrender; we acknowledge (twenty millions against six) *that we are beaten.* Yet that is a trifle: the bravest may be defeated; the holiest cause may fail. But we, if we take this step, must consent to repentance as well as to submission. Before the world we must confess our sins. Before the world our acts must declare, that from the first, we were in the wrong and the South in the right. Before the world our acts must declare, that a thousand millions have been squandered—that a hundred thousand brave men have sunk from the battle-field to the grave—all in a disgraceful warfare, all in an iniquitous cause.

And the retrospect, when this war, thus stigmatized as aggressive and faithless, is brought to a shameful close! The scene, when the thinned ranks of a hundred Indiana regiments, whose gallant deeds, untarnished by a single disgrace, have been till now the pride and boast of their State—the scene of bitter humiliation, when these brave and war-worn men shall return—to find themselves degraded from patriots to marauders; their labors counted but an outrage, their wounds a disgrace; shall return, to hear their dead comrades spoken of as mercenaries hired by the oppressor, and justly overtaken by the oppressor's fate; shall return, to find the war-made widow pensionless, the soldier's orphan cast helpless on the mercy of the world!

And then the scene—it may be far more terrible yet—when Indiana, base and craven, shall put forth her hand attempting to sign the compact of degradation!

Attempting to sign! Will the attempt ever be consummated? In peace, without bloodshed, without the hand of brother raised against brother, of father against son—never! Until Indiana shall have shared a worse fate than Missouri or

Kentucky, or Virginia; until her fields shall be desolate, her cities spoiled, her substance wasted; until we shall have learned, by sickening experience, the nightly terrors, the daily horrors of civil war—never! Will the men who have stood firm while shot and shell decimated their ranks, turn cowards on their return to their native State, and patiently suffer it? So sure as God lives, never—never!

Let Indiana, belying the courage she has shown on the battle field, casting from her the last remnant of self-respect, false to her constitutional obligations, blind to a future of abject servility, deaf alike to the warnings of revolutionary wisdom and to the voice of Civilization speaking to-day in her ears—let Indiana, selling Freedom's birthright for less than Esau's price, resolve to purchase Southern favor by Northern dismemberment and the world-wide contempt that would follow it—but let her know, before she enters that path of destruction, that her road will lie over the bodies of her murdered sons, past prostrate cabins, past ruined farms, through all the desolation that fire and sword can work. Let her know, that before she can link her fate to a system that is as surely doomed to ultimate extinction as the human body is finally destined to death, there will be a war within her own borders to which all we have yet endured, will be but as the summer's gale, that scatters a few branches over the highway, compared to the hurricane that plows its broad path of ruin, mile after mile, leaving behind, in its track, a prostrate forest, harvest crops uprooted, and human habitations overthrown.

But the hurricane is of God's sending. Whether the tempest of war, from which He has hitherto mercifully preserved our State, shall now sweep over it, as it has swept over the ill-fated Southern border, depends, Citizens of Indiana, upon you. Courage, prudence, patriotism will avert it. Faint-heartedness and folly will bring it down upon our heads. If it come, God help the present generation that has to endure it! God help our children after us, to whom we bequeath a North-West steeped in scandalous dependence, so long as she submits to her masters, and a prey to a second civil war, so soon as she awakes to her true condition, and draws the sword once more, to redeem the errors of the past!

ROBERT DALE OWEN.

March 4, 1863.

Note, *as to recent legal opinions and decisions touching slavery.*—The direct question whether slaves brought by their masters to reside in a Free State become free—in other words, whether a State law be constitutional which declares free all slaves, not fugitives, who may come within the limits of the State,—has never been brought before the Supreme Court.

But in the Dred Scott case the opinion delivered by the Court was based on principles, the practical application of which appears to establish the right of an owner of slaves to their "service and labor" throughout life, no matter where that life may be spent.

Chief Justice Taney, in that opinion, declares: That negroes imported from Africa, were "brought here as articles of merchandise;" that in every one of the thirteen colonies which formed the Constitution of the United States, "a negro of the African race was regarded as an article of property, and held and bought and sold as such," and that, at the time the Constitution was adopted, the negro was "treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it." As such Chief Justice regards him.

Dred Scott, the plaintiff in this case, a slave owned in Missouri by Dr. Emerson, had been taken by his owner into Illinois, kept there two years, then kept two years in a Territory of the United States north of the Missouri Compromise line, while that Compromise was in force, and had then been brought back to Missouri.

The Court, after reciting that "Scott was a slave when taken into the State of Illinois *and there held as such*," decided that when brought back to Missouri he remained a slave, inasmuch as "his *status*, as free or slave, depended *on the laws of Missouri, not of Illinois.*"

So also of his residence in a Territory declared free by a law of the United States. The Court held the law to be unconstitutional and void, because the Constitution recognizes a slave as property, and "makes no distinction between that property and any other." And the Court decides that Scott cannot be liberated under such a law.

Though the question did not come before the Court for decision, whether Scott could have been held for life as a slave in Illinois, yet it is a fair inference from the above, that that question also would be decided in the affirmative. Either Scott, while residing with Dr. Emerson in Illinois, was his slave or he was not. If his slave, as the words of Chief Justice Taney would imply, then slaveholders may hold their slaves to service and labor in a Free State. If not his slave, he was a freeman. But if a freeman, how could any law of Missouri be held again to reduce him to slavery?

In the Lemmon case (before the New York Court of Appeals, January, 1860), in which the question came up, whether slaves owned by a Virginian in transit through the State of New York became free, the Court decided (five against three) in favor of the slaves. But the arguments of the counsel (O'Conor) assigned by the State of Virginia for the slaveowner, clearly indicate the character and extent of Southern claims in this matter, and the principles upon which these are based. He said: "Property in African negroes is not an exception to any general rule. Upon rational principles it is no more local or peculiar than any other property." And he argued that a State has the same right to declare a wife who might be brought within its limits to be "free from all obligations of that condition," as to declare the same thing of a slave.

It is to be conceded that no Court has yet made a decision in conformity with the claims here put forth, on behalf of Virginia. But can the nature and extent of the rights demanded by the South be doubted or misunderstood? And whenever a Senate with a perpetual Southern majority shall have the control of nominations for Judges of the Supreme Court, is it not morally certain that the decision, in the premises, of Judges thus selected will be in favor of Virginia's claims?

LIBRARY OF CONGRESS
0 012 026 725 5

LIBRARY OF CONGRESS
0 012 026 725 5

Hollinger
pH 8.5
Mill Run F3-1955